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8 Counsel for Defendant KENNETH KELLEY

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,) No. CR 05-125 PJH
18 Plaintiff,) STIPULATION AND
19 v.) [PROPOSED] ORDER
20 KENNETH KELLEY,) CONTINUING STATUS
21 Defendant.) CONFERENCE
22) **Hearing Date:** Wednesday
23 November 14, 2007 at 1:30 pm
24) The Honorable Phyllis J.
25 Hamilton
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The undersigned parties stipulate and agree as follows:

1. A status conference is currently scheduled for November 14, 2007 at 2:30 p.m.;
2. Counsel for Mr. Kelley has not heard word from the Supreme Court on her petition for writ of certiorari. Last month, counsel did receive a letter request from the Solicitor General asking the Supreme Court for additional time to submit a response to the petition for certiorari. The request was granted, and the Solicitor General now has until November 14, 2007 to submit a response to defendant's petition;
3. As the Solicitor General has delayed the schedule on the case for thirty days, and a response will not be submitted until tomorrow, the parties jointly request a continuance of the status conference for 60 days, until

January 16, 2008, at 1:30 p.m. The reason for the 60 day request is due to the fact that it is not likely that the Supreme Court will respond to the defendant's petition earlier than 60 days past the filing of the Solicitor General's response.

4. If the parties hear from the Supreme Court at an earlier time, defense counsel hereby accepts the responsibility of contacting the Court to arrange an earlier date for a status conference.

IT IS SO STIPULATED.

11/13/2007

DATED: _____

/S/

ELIZABETH M. FALK
Assistant Public Defender

11/13/2007

DATED: _____

/S/

SUSAN R. JERICH
Assistant United States Attorney

I hereby attest that I have on file all holographic signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

[PROPOSED] ORDER

GOOD CAUSE SHOWN, and for the reasons stated herein, the status conference in the instance case hereby continued to January 16, 2008, at 1:30 PM.

IT IS SO ORDERED

DATED: 11/14/07



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